

## **CHAPTER X: GENERAL**

### **Section 4:     **Designation of facilities and services to be provided by Community Mental Health/Mental Retardation Centers****

- 1.01    **AUTHORITY:** MCA Sections 41-4-7 and 41-19-33
- 1.02    **PURPOSE:** To codify in policy Board of Mental Health and Department of Mental Health (“DMH”) statutory authority to designate the facilities and services to be provided by a Community Mental Health/Mental Retardation Center (“CMHC”).
- 1.03    Pursuant to MCA Section 41-19-33, a CMHC may provide facilities and services related to illnesses, disorders, handicaps or problems as designated and certified by the Department of Mental Health.
- 1.04    Pursuant to MCA Section 41-4-7 and the Board of Mental Health’s authority to control, supervise and coordinate all operations and activities of the state related to mental health and providing mental health services, DMH may grant, change, or remove the designation of a CMHC to provide facilities and services.
- 1.05    For the first and initial designation, a CMHC shall be automatically designated to provide facilities and services upon certification by DMH under DMH Minimum Standards. Subsequently, a change or removal of CMHC designation to provide facilities and/or services shall be made at the discretion of DMH. In the instance of a change or removal by DMH of the designation status of a CMHC, the CMHC will be provided a thirty (30) day written notice stating the services and/or facilities for which the CMHC will no longer be designated to provide. In cases of an emergency related to care and treatment of individuals, fiscal or budgetary emergencies or deficiencies, or other emergency situations as determined at the discretion of DMH, a designation may be changed or removed immediately, with or without prior notice to the CMHC.
- 1.06    Designation to provide facilities and services may be considered separate from certification under DMH Minimum Standards. Should a CMHC maintain its Minimum Standards certification in good standing during the time the CMHC is not designated to provide facilities and/or services, the CMHC may resume provision of services and/or facilities without the need for Minimum Standards re-certification if subsequently approved for designation by DMH.

- 1.07 Designation of facilities and/or services to be provided by a CMHC may be made on a complete, limited, or partial basis. CMHC's may be designated to provide actual facilities and/or services, and may participate in reimbursement programs (e.g.: Medicaid) based upon statute and/or executed agreements with DMH.
- 1.08 When a CMHC fails to meet its obligations pursuant to an executed agreement, memorandum of understanding, or other statutory or contractual obligation with DMH, while participating in a reimbursement program (e.g.: Medicaid), the CMHC may continue to provide actual facilities and/or services, but may not receive payment or reimbursement through the relevant reimbursement program for which the CMHC has failed to meet its obligations created by the executed agreement, memorandum of understanding, statute or contract. Notwithstanding the notice provisions of 1.05 above, DMH may provide immediate notice to the CMHC and the relevant reimbursement program administrator (e.g.: Medicaid) that the CMHC has failed to meet its obligations pursuant to an executed agreement, memorandum of understanding, or other statutory or contractual obligation, while participating in the reimbursement program, and that the CMHC has ended its participation by such failure.